



## REPORTING OF THE RECORD TASK FORCE

### Meeting Minutes

December 10 –12, 2003

Administrative Office of the Courts

455 Golden Gate Avenue, San Francisco, CA 94102

#### ***TASK FORCE MEMBERS PRESENT:***

Hon. James A. Ardaiz, Chair, Administrative Presiding  
Justice of the Court of Appeal, Fifth Appellate District  
Hon. S. William Abel, Presiding Judge, Superior Court  
of Colusa County  
Ms. Maura Baldocchi, CSR, Official Court Reporter,  
Superior Court of San Francisco County  
Mr. Gary M. Cramer, CSR, Official Court Reporter,  
Superior Court of Los Angeles County  
Ms. Deena C. Fawcett, Clerk/Administrator, Court of  
Appeal, Third Appellate District  
Mr. Edward J. Horowitz, Esq., Law Offices of  
Edward J. Horowitz  
Ms. Barbara J. Lane, CSR, Supervisor, Court Reporters,  
Superior Court of Riverside County  
Mr. Len LeTellier, Executive Officer, Superior Court of  
Sutter County  
Mr. Gary Evan McCurdy, Esq., Assistant Director,  
Central California Appellate Program  
Ms. Jeanne Millsaps, Executive Officer, Superior Court  
of San Joaquin County  
Mr. Gordon Park-Li, Executive Officer, Superior Court  
of San Francisco County  
Mr. Tom Pringle, CSR, Official Court Reporter,  
Superior Court of Shasta County  
Mr. Paul J. Runyon, Administrator, Litigation Support,  
Superior Court of Los Angeles County  
Mr. Alan Slater, Chief Executive Officer, Superior Court  
of Orange County  
Ms. Fiel Tigno, Esq., Supervising Deputy  
Attorney General, Office of the Attorney General,  
Department of Justice

#### ***TASK FORCE MEMBERS ABSENT:***

Hon. John S. Einhorn, Assistant Presiding Judge,  
Superior Court of San Diego County  
Ms. Kary Parker, CSR, Official Court Reporter, Superior  
Court of Orange County

#### ***TASK FORCE LIAISON:***

Ms. Julie R. Peak, CSR, Chair, Court Reporters Board of  
California **(Present)**

#### ***PRESENTERS:***

None

#### ***GUESTS:***

None

#### ***FACILITATOR:***

Ms. Sharon Maher, Maher & Company **(Present)**

#### ***AOC STAFF PRESENT:***

Ms. Pat Sweeten, Director, Executive Office Programs  
Division  
Ms. Christine E. Patton, Regional Administrative Director,  
Bay Area/Northern Coastal Region  
Ms. Sally Lee, Manager, Executive Office Programs  
Division  
Ms. Claudia Ortega, Lead Staff, Senior Court Services  
Analyst, Executive Office Programs Division  
Mr. Yonkel Goldstein, Attorney, Office of the General  
Counsel  
Mr. Martin Riley, Governmental Affairs Analyst, Office  
of Governmental Affairs  
Ms. Josely Yangco-Fronza, Administrative Coordinator,  
Executive Office Programs Division

#### ***AOC STAFF ABSENT:***

None

## **Meeting Minutes**

### **Wednesday, December 10, 2003**

#### **Item 1            Opening Remarks**

Administrative Presiding Justice James A. Ardaiz, Chair of the Reporting of the Record Task Force, called the meeting to order at 1:15 p.m. He conveyed which task force members could not attend this meeting. He also shared that, in mid-December, Ms. Jeanne Millsaps would retire from her position as Executive Officer with the Superior Court of San Joaquin County and resign from the task force. He stated that Ms. Millsaps would only be able to attend this meeting on Thursday, December 11<sup>th</sup>. A celebration would be held that afternoon to acknowledge her retirement and contributions to the task force.

#### **Item 2            Public Comment**

Members of the public did not address the task force on this day.

#### **Item 3            Major Accomplishments from the Last Meeting**

Justice Ardaiz recapped the policy recommendations reached at the last meeting regarding court ownership of the digital court paid record. Specifically, the task force adopted the following as guiding principles for court ownership of court paid transcripts: compensation by word; budget neutral/expenditure neutral; statewide transcript rate standard; and one uniform word counting software.

#### **Item 4            Court Reporter Summit**

Justice Ardaiz directed the members' attention to a copy of his letter, dated November 20, 2003, to court reporter leaders throughout the state. He explained that he invited court reporter leadership to meet with him and AOC staff to discuss the court reporter shortage, its impact upon the courts, and various proposals by the AOC. Representatives from the California Court Reporters Association, California Official Court Reporters Association, Deposition Reporters Association, and Los Angeles County Court Reporters Association attended the meeting. Judge S. William Abel, Ms. Jeanne Millsaps, Ms. Christine E. Patton, Mr. Paul J. Runyon, and Ms. Pat Sweeten also attended.

Justice Ardaiz explained that the participants engaged in broad level discussion regarding the proposals. He stated that he hoped to receive indication of court reporters' willingness to enter into further policy-based discussions on these matters. He also indicated that he would apprise the task force of any agreements reached.

#### **Item 5            Ownership of the Digital Transcript and Motion to Change a Vote**

Justice Ardaiz summarized a matrix that provided the number of folios per page for criminal transcripts, estimated number of criminal transcript copies usually purchased by the courts, and total fiscal year 2002-2003 year end transcript expenditures by court. This general data was distributed to the task force.

Ms. Sharon Maher began to provide the parameters for discussion of this agenda item. She referred members to the documents summarizing their previous discussion regarding the calculation for a statewide folio rate per page.

Ms. Maura Baldocchi asked to discuss the vote that took place at the last meeting on a motion to adopt guiding principles for court ownership of court paid transcripts. She stated that when she cast her “Yes” vote, she did so with an expressed proviso attached to it. She also stated that she provided the language of the express proviso to the staff for inclusion in the minutes. She later received an e-mail from staff that stated a “Yes” vote with a proviso would not be accepted. Ms. Baldocchi then requested permission from the task force to change her vote to “No”.

Justice Ardaiz expressed that before the vote was taken, extensive discussion was had on the ability of members to vote “Yes” or “No” to the motion as worded, or to vote “To Amend” the motion. It was specifically stated that in order to add an additional condition to the motion, such as a proviso, an amendment would be required. He further stated that because Ms. Baldocchi declined to amend the motion and voted “Yes”, her “Yes” vote was unequivocal. He also stated that, at the last meeting, the task force agreed to include in the minutes her concern that individual reporters may experience a reduction in their rate of compensation for court paid transcripts.

The task force then discussed the ability of members to change their votes on motions made at previous meetings. Ms. Baldocchi read a rule from Robert’s Rules of Order that allows members to change their votes. Justice Ardaiz asked Mr. Yonkel Goldstein to review these rules to determine whether members could change their votes and, if so, the appropriate process in which to do so.

While Mr. Goldstein reviewed the rules, Ms. Maher redirected the task force’s attention to its document concerning the calculation for a statewide folio rate per page. She stated that the document represents the task force’s previous brainstorming session and provides one method of calculation. The task force briefly discussed this document. Justice Ardaiz stated that this formulation would need to be revisited, and other methods would need to be examined to better determine actual results and consequences. The task force did not modify the document.

Mr. Goldstein read Robert’s Rules of Order (*Section 44, Voting Procedure, Changing One’s Vote*), which allows a member to make a motion to change a previous vote.

Ms. Baldocchi then made a motion that the task force allow her to change her “Yes” vote to a “No” vote on the previous motion concerning guiding principles for court ownership of court paid records.

Second: Mr. Gary Evan McCurdy.

Justice Ardaiz asked for a hand vote.

Those in Favor: Ms. Baldocchi; Ms. Deena C. Fawcett; Mr. Edward J. Horowitz; Mr. Len LeTellier; Mr. Gary Evan McCurdy; Mr. Gordon Park-Li; and Ms. Fiel Tigno.

Those Opposed: Judge S. William Abel; Mr. Gary M. Cramer; Mr. Tom Pringle; Mr. Paul J. Runyon; and Mr. Alan Slater.

Those Abstaining: Ms. Barbara J. Lane.  
The motion carried.

Ms. Maher asked the task force to review their previous recommendations concerning a uniform software that provides for a word count. The members refined their recommendation.

Ms. Baldocchi raised the issue of whether the word “ownership” was appropriate in describing the courts’ relationship to the future court paid records. The task force “parked” the use of the word “ownership” for discussion at a later time.

#### **Item 6            Hotel Shuttle Information**

Ms. Claudia Ortega conveyed the shuttle schedule to the task force.

#### **Item 7            Other Business/Adjournment**

With no further business, Justice Ardaiz adjourned the meeting at 3:55 p.m.

### **Meeting Minutes Thursday, December 11, 2003**

#### **Item 1            Recap of the Previous Day’s Discussion**

Justice Ardaiz called the meeting to order at 9:05 a.m. He briefly summarized the previous day’s discussions and the current day’s agenda. He welcomed Ms. Millsaps to the meeting and reminded the task force of the celebration that afternoon to acknowledge her contributions to the judicial branch and task force. Justice Ardaiz also announced that Ms. Millsaps has been selected to be a recipient of the 2003 Distinguished Service Awards. The awards are the highest honors given by the Judicial Council to those who demonstrate extraordinary leadership and make significant contributions to the administration of justice in California. Ms. Millsaps received this award in the category of Judicial Administration.

#### **Item 2            Public Comment**

Members of the public did not address the task force on this day.

#### **Item 3            Draft Minutes – October 2003**

Staff distributed the draft October 2003 minutes. Justice Ardaiz asked the task force to review the draft so that they could vote on it during the next day’s meeting.

#### **Item 4            Web Site Correspondence to the Task Force**

Justice Ardaiz reported that the public has not sent any e-mails to the task force via its Web site since the last meeting.

## **Item 5            Ownership of the Digital Transcript (Continued)**

Ms. Maher opened the discussion to address whether the word “ownership” should be defined or if the task force should use another term to describe the courts’ future abilities and responsibilities relative to the court paid record. After discussing the meaning of “ownership” and other terms, the task force decided to use the term “proprietary interest” in the future to describe the courts’ abilities and responsibilities relative to the court paid record.

Mr. Cramer raised the issue of reporters being asked to augment transcripts under specific California Rules of Court that allow for correction of the record. Mr. Cramer stated that the rules are being used to modify the record, rather than for their intended purpose of correcting errors. The task force “parked” this issue for discussion at a later time.

The task force finalized its policy recommendation regarding the courts’ future proprietary interest in court paid records. Justice Ardaiz called for a vote on this policy recommendation.

- Passed with one dissenting vote (by Ms. Baldocchi).

## **Item 6            Rules of Court 4 and 9 Pertaining to the Indexing, Binding, and Paginating of Dailies for the Record on Appeal**

Ms. Maher introduced and facilitated the discussion of California Rules of Court 4 and 9. She reminded the task force members that their charge is to consider whether the rules should clearly require reporters be responsible for indexing, repaginating, and binding dailies for filing with the appellate courts. The task force developed a working revision to these rules.

## **Item 7            Transcript Format – Title Page and Cover Page**

Mr. Pringle led the discussion on this agenda item. The task force determined that the traditional title and cover pages should be combined into one “title” page. The task force developed working guidelines for the title page.

## **Item 8            Transcript Format – Master Index**

The task force discussed the need for master indices and developed preliminary recommendations regarding content.

## **Item 9            Hotel Shuttle Information**

Ms. Ortega conveyed the shuttle schedule to the task force.

## **Item 10          Adjournment**

With no further business, Justice Ardaiz adjourned the meeting at 4:45 p.m.

## **Meeting Minutes**

### **Friday, December 12, 2003**

#### **Item 1          Recap of the Previous Day's Discussion**

Justice Ardaiz called the meeting to order at 8:45 a.m.

Ms. Sweeten directed the task force to a draft section of the task force report. Ms. Sweeten informed the task force that Ms. Ortega has begun drafting sections of the report. She asked the members to review the handout and e-mail any comments to Ms. Ortega by early January. She also stated that more drafts would be distributed to the task force at the next meeting.

#### **Item 2          Public Comment**

Members of the public did not address the task force on this day.

#### **Item 3          Airport Shuttle Information**

Ms. Ortega distributed the sign-up sheet for shuttles to the airports.

#### **Item 4          Draft Minutes – October 2003**

The task force reviewed the draft October 2003 minutes and amended the draft.

Justice Ardaiz called for a motion that the draft minutes of the October 2003 meeting be approved with the proposed amendments. Motion by: Mr. Slater; Second: Mr. Runyon

- Passed by unanimous vote of the task force.

#### **Item 5          Uniform Word Counting Software (Continued)**

Ms. Maher asked the task force to review the policy recommendations formulated during the previous day. The task force approved the recommendations as its working document.

#### **Item 6          Proprietary Interest in the Record (Continued)**

The task force reviewed the policy recommendations developed the prior day. Future documents (e.g., minutes, policy recommendations, draft report) will use the term “proprietary interest” rather than the word “ownership” when referring to the courts’ future relationship to court paid records.

#### **Item 7          Transcript Format – Cover Page (Continued)**

The task force reviewed the guidelines developed the prior day. Justice Ardaiz asked Mr. Pringle to provide sample cover pages for both appeals and nonappeals. Mr. Pringle agreed to do so. The task force also concluded that it is not necessary that the cover page include information to indicate that the record is sealed.

**Item 8            Transcript Format – Master Index (Continued)**

The task force briefly reviewed its recommendations concerning the master index.

**Item 9            Rules of Court 4 and 9 Pertaining to the Indexing, Binding, and Paginating of Dailies for the Record on Appeal (Continued)**

The task force revisited its revisions to rules 4 and 9. Mr. Runyon agreed to provide suggested language for the task force's review at the next meeting.

**Item 10          Transcript Format – Identification of Common Events**

The task force briefly discussed this agenda item. Ms. Baldocchi agreed to provide guidelines for identifying common events for the task force's review at the next meeting.

**Item 11          Recap of Task Force Accomplishments to Date and Future Course of Action**

Justice Ardaiz thanked the members for their active participation over the previous days.

**Item 12          Adjournment**

With no further business, Justice Ardaiz adjourned the meeting at 12:00 p.m.